

DOCKET NO. 2732.1016-029

**TERMINAL DISCLAIMER TO OBLIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Spiros Jarnas, D. Davidson Easson, Jr. and Gary R. Ostroff
Application No. 10/719,432
Filed: November 21, 2003
Confirmation No.: 5697
For: UNDERIVATIZED AQUEOUS SOLUBLE β (1,3) GLUCAN,
COMPOSITION AND METHOD OF MAKING SAME

The owner, Biothera (formerly Biopolymer Engineering, Inc.) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/094,686, filed on March 7, 2002) of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent. expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/7/06
Date


Signature

Steven J. Karel
Typed or printed name

Chief Technology and Operating Officer
Title

Biothera (formerly Biopolymer Engineering, Inc.)
Name of Corporation

03/10/2006 HLE333 00000092 080380 10719432
02 FC:2814 65.00 DA

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Docket No. 2732.1016-029STATEMENT UNDER 37 CFR § 3.73(b)

Applicant/Patentee: Spires James, D. Davidson Bassou, Jr and Gary R. Ostroff
Application No.: 10/719,432 Filed: November 21, 2003
Entitled UNDERIVATIZED AQUEOUS SOLUBLE B (1:1) OLIGAN. COMPOSITION
AND METHOD OF MAKING SAME
Biotechra (formerly Biopolymer Engineering, Inc.) a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, shipwreck, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application/patent identified above, or
B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application/patent identified above.

The right, title and interest of the above-named assignee in the patent application/patent identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 006309, Frame 0106, or a copy thereof is attached

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee

Signature: Name: Steven J. KarelTitle: Chief Technology and Operations OfficerDate: 3/7/06

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